UNITED STATES PATENT AND TRADEMARK OFFICE

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09/425,736	10/22/1999	YUSAKU FUJII	991176	9951

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1   RECORD OF ORAL HEARING

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3   UNITED STATES PATENT AND TRADEMARK OFFICE

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6   BEFORE THE BOARD OF PATENT APPEALS

7   AND INTERFERENCES

8   _____

9

10   *Ex parte* YUSAKU FUJII and TAKASHI SHINZAKI

11   _____

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13   Appeal 2008-0362

14   Application 09/425,736

15   Technology Center 2100

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18   Oral Hearing Held: February 14, 2008

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21 Before JAMES D. THOMAS, ALLEN R. MACDONALD, and

22 JAY P. LUCAS, *Administrative Patent Judges.*

23

24 ON BEHALF OF THE APPELLANTS:

25

26   THOMAS E. BROWN, ESQ.

27   Westerman, Hattori, Daniels & Adrian, LLP

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31 The above-entitled matter came on for hearing on Thursday,

32 February 14, 2008, commencing at 9:30 a.m., at the U.S. Patent and

33 Trademark Office, 600 Dulany Street, 9th Floor, Hearing Room A,

34 Alexandria, Virginia, before Lori B. Allen.

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36   P R O C E E D I N G S

37 JUDGE THOMAS: Good morning, Mr. Brown.

1   MR. BROWN: Good morning.

2   JUDGE THOMAS: Do you know how this procedure works at the

3 Board?

4   MR. BROWN: I've been up here 86 times. Unless it's changed I

5 should be okay.

6   JUDGE THOMAS: Okay. You can just use that clock as a guide for

7 your time. 20 minutes, okay? You can proceed at any time.

8   MR. BROWN: May it please the court, the present invention is

9 directed towards an illegal access discriminating apparatus, and this is

10 different from your typical apparatus that does authentication. But,

11 basically, what we're doing here is that we're monitoring or looking at the

12 actual user I.D. and the organic information. So this is two types of

13 authentication we're looking at.

14   So it usually has to enter user I.D. and organic information. Organic

15 information can be signature, Radnor or Bingham Prand.

16   JUDGE MACDONALD: Excuse me. You don't have to walk

17 through this discussion, because we went over this yesterday, and this is our

18 understanding. Everything you're covering is redundant to our current

19 understanding of the invention. So you can move right into your arguments

20 if you would.

21   MR. BROWN: Okay. Great. Great.

22   Basically, our argument is that the primary reference of Moussa fails

23 to disclose the features of claim 1 regarding a second storing adjutant,

24 restoring pairs of I.D. information, information which were input in a

25 predetermined time. And basically also fails to disclose, we believe the next

1　feature of claim 1 also discloses claim 12 regarding comparing the collating

2　unit.

3　　　　Again, as I was saying previously, what we're trying to do here is

4　we're trying to look at the actual information that's being inputted. And then

5　we're storing that information so that subsequently when the user comes in

6　and he enters in user I.D. and organic information, we're not looking and

7　checking whether that information is being authenticated with regard to

8　some type of server or data base or authentication. We're looking at it and

9　seeing comparing it to other information that was previously inputted by the

10　user. And that's the difference between what we're doing and what the

11　implied reference of Moussa is doing.

12　　　　Basically, again, Moussa uses double authentication or even triple

13　authentication. You have the user password Q. And then you have the

14　physical token that it also talks about, handwriting, a signature that's

15　inputted. So there is, you know, triple authentication, double authentication,

16　and there is organic information.

17　　　　That's granted in the user I.D., but Moussa is just concerned with

18　authenticating the user with the authentication data base. And it uses a

19　complex system of taking the inputted password Q, advise the budget index

20　values, budgeted additional index value NO, and then what it does after that,

21　it authenticates the physical token in the data block. It takes a fingerprint

22　from the physical token, authenticates a database.

23　　　　JUDGE MACDONALD: Again, let me ask. We've read through the

24　reference and our understanding is it corresponds in your figure 1 what

25　would essentially be the prior art, the top half of the drawing. And we

1 understand it doesn't include anything from the bottom half of the drawing,

2 which is essentially the invention.

3   MR. BROWN: Well then, exactly. Oh, great.

4   JUDGE MACDONALD: Do you have anything else you'd like to

5 add?

6   MR. BROWN: No. Have a great day, though.

7   JUDGE THOMAS: Yeah? Have a good day.

8   MR. BROWN: Thank you so much.

9   [The hearing was concluded at 9:40 a.m.]

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